

# Court of Appeals, State of Michigan

## ORDER

Estate of Michael John Jago II v Department of State Police

Docket No. 297880

LC No. 09-000029-MZ

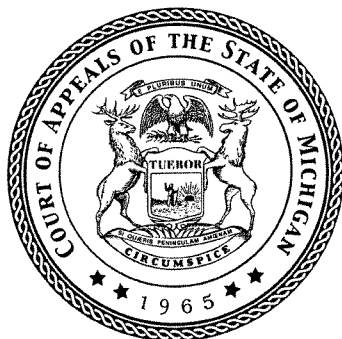
Peter D. O'Connell  
Presiding Judge

Donald S. Owens

Stephen L. Borrello  
Judges

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The Court orders that the motion to dismiss is DENIED. Contrary to the implication of appellee's motion to dismiss, appellant's motion for summary disposition below included argument that appellant was entitled to governmental immunity under *Wesche v Mecosta Co Rd Comm*, 480 Mich 75; 746 NW2d 847 (2008), as to appellee's claim for excess economic damages. Further, the Court of Claims specifically rejected appellant's governmental immunity argument at the relevant motion hearing. Accordingly, the April 15, 2010 order being appealed constitutes a final order as an order denying governmental immunity to a governmental party. MCR 7.202(6)(a)(v).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 15 2010

Date

*Sandra Schultz Mengel*  
Chief Clerk